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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:17-CV-1637-APG-(CWH)
)	
Plaintiff,	)	Default Judgment of Forfeiture as to the
	)	Glock 32, .357 caliber pistol (Serial No.
v.	)	LDF747); the Glock 19 Generation 4 9x19
	)	Caliber Pistol (Serial No. RGX266); the
GLOCK 32, .357 CALIBER PISTOL	)	Maverick by Mossberg, Model 88 12-Gauge
(SERIAL NO. LDF747);	)	Shotgun (Serial No. MV20381P); the DPMS
	)	Panther Arms, Model A-15, .233-5.56mm
GLOCK 19 GENERATION 4 9x19	)	Rifle (Serial No. L4013573); Edel Mark
CALIBER PISTOL (SERIAL NO.	)	Villaespin; Marco Antonio Reyes; Thomas
RGX266);	)	Fleetwood; Melissa Angelique Fleetwood;
	)	and all Persons or Entities Who May Claim
MAVERICK BY MOSSBERG, MODEL 88	)	an Interest in the Defendant Property
12-GAUGE SHOTGUN (SERIAL NO.)	
MV20381P);)	
)	
and)	
)	
DPMS PANTHER ARMS, MODEL A-15,)	
.233-5.56MM RIFLE (SERIAL NO.)	
L4013573),)	
)	
Defendants.)	

1 **I. FACTS**

2 1. Marco Antonio Reyes was a convicted felon and was on probation when the
3 defendant firearms were seized from his home on December 29, 2016.

4 2. As a convicted felon, it was unlawful for Reyes to possess a firearm within or
5 beyond his period of probation.

6 3. None of the defendant firearms were manufactured in Nevada.

7 **II. PROCEDURE**

8 On June 12, 2017, the United States filed a verified Complaint for Forfeiture in Rem
9 (Complaint) (ECF No. 1), alleging the Glock 32, .357 caliber pistol (Serial No. LDF747); the
10 Glock 19 Generation 4 9x19 Caliber Pistol (Serial No. RGX266); the Maverick by Mossberg,
11 Model 88 12-Gauge Shotgun (Serial No. MV20381P); and the DPMS Panther Arms, Model A-
12 15, .233-5.56mm Rifle (Serial No. L4013573) (defendant property):

- 13 a. are firearms that were involved in or used in a knowing violation of 18 U.S.C.
14 § 922(g)(1); and are, therefore, subject to forfeiture pursuant to 18 U.S.C. §
15 924(d)(1).

16 On July 7, 2017, the Court entered an Order for Summonses and Warrants of Arrest in
17 Rem for the Properties and Notice (Order) (ECF No. 3) and the Clerk issued the Summonses and
18 Warrants of Arrest in Rem (Summonses and Warrants) (ECF No. 4).

19 Pursuant to the Order (ECF No. 3), the Complaint (ECF No. 1), the Order (ECF No. 3),
20 the Summonses and Warrants (ECF No. 4), and the Notice of Complaint for Forfeiture and
21 Arrest (Notice) (ECF No. 5-1, p. 3 - 5), were served on the defendant property and all persons or
22 entities who may claim an interest in the defendant property. Notice was published according to
23 law.

24 Pursuant to Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture
25 Actions (Fed. R. Civ. P. Supp. Rule) G(5), all persons interested in the defendant property were
26 required to: (1) file a verified claim, setting forth the person's or its interest in the property, that

1 (a) identifies the specific interest in the property claimed, (b) identifies the claimant and states
2 the claimant's interest in the property, and (c) is signed by the claimant under penalty of perjury
3 pursuant to 28 U.S.C. § 1746; (2) file the verified claim with the Clerk of the above-entitled
4 Court no later than 35 days after the notice is sent or, if direct notice was not sent, no later than
5 60 days after the first day of publication on the official internet government forfeiture site,
6 www.forfeiture.gov; (3) file an answer to the Complaint or a motion under Rule 12 with the
7 Clerk of the Court, Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South,
8 Las Vegas, NV 89101, no later than 21 days after filing the verified claim; and (4) serve a copy
9 of the verified claim and the answer at the time of each filing on Michael A. Humphreys,
10 Assistant United States Attorney, 501 Las Vegas Boulevard South, Suite 1100, Las Vegas,
11 Nevada 89101. Complaint, ECF No. 1; Order, ECF No. 3; Summonses and Warrants, ECF No.
12 4; Notice, ECF No. 5-1, p. 3 - 5.

13 On July 26, 2017, the Bureau of Alcohol, Tobacco, Firearms and Explosives served the
14 Complaint, the Order, the Summonses and Warrants, and the Notice by executing them on the
15 defendant property. Notice of Filing Service of Process, ECF No. 5.

16 Public notice of the forfeiture action and arrest was given to all persons and entities by
17 publication via the official internet government forfeiture site, www.forfeiture.gov, from
18 August 2, 2017, through August 31, 2017, and October 17, 2017, through November 15, 2017.
19 Notices of Filing Proof of Publication, ECF Nos. 6 and 9.

20 On August 28, 2017, the United States Marshals Service personally served the
21 Complaint, the Order, the Summonses and Warrants, and the Notice on Edel Mark Villaespin.
22 Notice of Filing Service of Process, ECF No. 7, p. 3-28.

23 On August 29, 2017, the United States Marshals Service personally served the
24 Complaint, the Order, the Summonses and Warrants, and the Notice on Marco Antonio Reyes.
25 Notice of Filing Service of Process, ECF No. 7, p. 29-54.

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1 On October 18, 2017, the United States Marshals Service personally served the
2 Complaint, the Order, the Summonses and Warrants, and the Notice on Thomas Fleetwood.
3 Notice of Filing Service of Process, ECF No. 8, p. 3-28.

4 On October 18, 2017, the United States Marshals Service personally served the
5 Complaint, the Order, the Summonses and Warrants, and the Notice on Melissa Angelique
6 Fleetwood. Notice of Filing Service of Process, ECF No. 8, p. 29-54.

7 No person or entity has filed a claim, answer, or responsive pleading within the time
8 permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4) and (5).

9 On December 28, 2017, the United States filed a Motion for Entry of Clerk's Default
10 against the Glock 32, .357 caliber pistol (Serial No. LDF747); the Glock 19 Generation 4 9x19
11 Caliber Pistol (Serial No. RGX266); the Maverick by Mossberg, Model 88 12-Gauge Shotgun
12 (Serial No. MV20381P); the DPMS Panther Arms, Model A-15, .233-5.56mm Rifle (Serial No.
13 L4013573); Edel Mark Villaespin; Marco Antonio Reyes; Thomas Fleetwood; Melissa
14 Angelique Fleetwood; and all persons or entities who may claim an interest in the defendant
15 property in the above-entitled action. Motion for Entry of Clerk's Default, ECF No. 10.

16 On December 29, 2017, the Clerk of the Court entered a Default against the Glock 32,
17 .357 caliber pistol (Serial No. LDF747); the Glock 19 Generation 4 9x19 Caliber Pistol (Serial
18 No. RGX266); the Maverick by Mossberg, Model 88 12-Gauge Shotgun (Serial No.
19 MV20381P); the DPMS Panther Arms, Model A-15, .233-5.56mm Rifle (Serial No. L4013573);
20 Edel Mark Villaespin; Marco Antonio Reyes; Thomas Fleetwood; Melissa Angelique Fleetwood;
21 and all persons or entities who may claim an interest in the defendant property in the above-
22 entitled action. Entry of Clerk's Default, ECF No. 11.

23 Edel Mark Villaespin is not in the military service within the purview of the
24 Servicemembers Civil Relief Act. Exhibit 1.

25 Marco Antonio Reyes is not in the military service within the purview of the
26 Servicemembers Civil Relief Act. Exhibit 2.

1 Thomas Fleetwood is not in the military service within the purview of the
2 Servicemembers Civil Relief Act. Exhibit 3.

3 Melissa Angelique Fleetwood is not in the military service within the purview of the
4 Servicemembers Civil Relief Act. Exhibit 4.

5 Edel Mark Villaespin is neither a minor nor an incompetent person.

6 Marco Antonio Reyes is neither a minor nor an incompetent person.

7 Thomas Fleetwood is neither a minor nor an incompetent person.

8 Melissa Angelique Fleetwood is neither a minor nor an incompetent person.

9 **III. JUDGMENT**

10 Pursuant to Fed. R. Civ. P. 54(c) and 55(b), the judgment by default does not “differ in
11 kind from, or exceed [the] amount” of relief listed in the complaint for forfeiture.

12 **IV. DEFAULT AND ENTRY OF DEFAULT**

13 As shown above, the United States has requested entry of Clerk’s Default against the
14 Glock 32, .357 caliber pistol (Serial No. LDF747); the Glock 19 Generation 4 9x19 Caliber
15 Pistol (Serial No. RGX266); the Maverick by Mossberg, Model 88 12-Gauge Shotgun (Serial
16 No. MV20381P); the DPMS Panther Arms, Model A-15, .233-5.56mm Rifle (Serial No.
17 L4013573); Edel Mark Villaespin; Marco Antonio Reyes; Thomas Fleetwood; Melissa
18 Angelique Fleetwood; and all persons or entities who may claim an interest in the defendant
19 property in the above-entitled action (ECF No. 10). The Clerk entered the Default as requested
20 (ECF No. 11).

21 **V. NOTICE**

22 Pursuant to Fed. R. Civ. P. Supp. Rule G(4)(a)(iv)(C), the United States published notice
23 via the official internet government forfeiture site, www.forfeiture.gov, for thirty consecutive
24 days (ECF Nos. 6 and 9). Pursuant to Fed. R. Civ. P. Supp. Rule G(4)(b), the United States
25 served the Complaint, the Order, the Summonses and Warrants, and the Notice on all known
26 potential claimants (ECF Nos. 7 and 8).

1 **VI. LEGAL SUFFICIENCY OF THE COMPLAINT**

2 The Complaint filed in this action was verified. The Court has subject matter
3 jurisdiction, in rem jurisdiction over the defendant property, and venue. The Complaint described
4 the property with reasonable particularity. The Complaint states where the seizure of the
5 defendant property occurred and its current location. The Complaint identifies the statute under
6 which the forfeiture action is brought. The Complaint alleges sufficiently detailed facts to
7 support a reasonable belief that the United States will be able to meet its burden proof at trial.
8 *See facts above.* Complaint, ECF No. 1. Fed. R. Civ. P. Supp. Rule G(2).

9 The allegations of the Complaint are sustained by the evidence and are adopted as
10 findings of fact. The Court concludes as a matter of law that the United States is entitled to the
11 relief requested in the Complaint.

12 **VII. POTENTIAL CLAIMANTS**

13 No person has filed a claim and answer and the time to file such has passed.

14 Based on the foregoing this Court finds that the United States has shown its entitlement
15 to a Default Judgment of Forfeiture as to the Glock 32, .357 caliber pistol (Serial No. LDF747);
16 the Glock 19 Generation 4 9x19 Caliber Pistol (Serial No. RGX266); the Maverick by Mossberg,
17 Model 88 12-Gauge Shotgun (Serial No. MV20381P); the DPMS Panther Arms, Model A-15,
18 .233-5.56mm Rifle (Serial No. L4013573); Edel Mark Villaespin; Marco Antonio Reyes;
19 Thomas Fleetwood; Melissa Angelique Fleetwood; and all persons or entities who may claim an
20 interest in the defendant property.

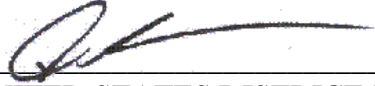
21 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
22 Default Judgment of Forfeiture is entered against the Glock 32, .357 caliber pistol (Serial No.
23 LDF747); the Glock 19 Generation 4 9x19 Caliber Pistol (Serial No. RGX266); the Maverick by
24 Mossberg, Model 88 12-Gauge Shotgun (Serial No. MV20381P); the DPMS Panther Arms,
25 Model A-15, .233-5.56mm Rifle (Serial No. L4013573); Edel Mark Villaespin; Marco Antonio

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1 Reyes; Thomas Fleetwood; Melissa Angelique Fleetwood; and all persons or entities who may
2 claim an interest in the defendant property in the above-entitled action.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendant
4 property be, and the same is hereby forfeited to the United States of America, and no possessory
5 rights, ownership rights, and no rights, titles, or interests in the property shall exist in any other
6 party.

7 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was
8 reasonable cause for the seizure or arrest of the defendant property.

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11 
12 UNITED STATES DISTRICT JUDGE

13 DATED: 2/20/2018
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